

Storm Water: Forging a Relationship to Encourage Compliance



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Purpose of this Presentation

To Discuss...

- Why EPA cares about Storm Water
- Storm Water Requirements
- Storm Water compliance concerns
- How EPA and Tribes can work together to ensure compliance with regulations and protect water quality



What is Storm Water?

- “Discharge of Storm Water”
 - Storm Water - includes storm water runoff, snow melt runoff, surface runoff and drainage
 - Discharge - a point source discharge from any conveyance to a municipal separate storm sewer system (MS4) or Waters of the U.S.

Why Do We Care About Storm Water Runoff?





Can a little dirt hurt?

- Nationally
 - 40% of assessed rivers, 45% of assessed lakes & 50% of assessed estuaries are not clean enough to meet basic uses (e.g., fishable, swimmable, drinkable)
 - Sediment/siltation is a leading **cause** of impairment:
 - the #2 cause of impairment for rivers and streams
 - the #3 cause of impairment for lakes, ponds, reservoirs
 - the leading cause degrading wetland integrity



Who Do the Regulations Apply to?

- Storm Water associated with Industrial Activity
(33 U.S.C. § 402 (p)(2)(B))
- Storm Water associated with Construction Activity
(40 C.F.R. §§ 122.26 (b)(14)(x) and (b)(15))
- Oil and gas exemption
(33 U.S.C. § 402 (1)(2))



Permitted Industrial Activities

- Category One (i): Facilities with effluent limitations
- Category Two (ii): Manufacturing
- Category Three (iii): Mineral, Metal, Oil and Gas
- Category Four (iv): Hazardous Waste, Treatment, or Disposal Facilities
- Category Five (v): Landfills
- Category Six (vi): Recycling Facilities
- Category Seven (vii): Steam Electric Plants
- Category Eight (viii): Transportation Facilities
- Category Nine (ix): Treatment Works
- Category Ten (x): Construction Activity *
- Category Eleven (xi): Light Industrial Activity



What is Construction?

- Construction activity – clearing, grading, and excavating resulting in a land disturbance
- Construction disturbing 1 acre or greater requires a stormwater permit



Currently Permitted Activities

- Construction
- Manufacturing
- Oil and Gas Treatment Operations
- Transportation Facilities



What's Missing?

- Construction Projects
- Gravel Mines
- Landfills/ Open Dumps
- Scrap Recycling Facilities
- Auto Salvage Yards
- Non-classified Activities



Stormwater Permit Requirements

- Stormwater Pollution Prevention Plan (SWPPP)
- Self inspection
- Monitoring (for applicable industries)
- Water Quality/ Historic property impacts



CGP – Construction General Permit

- Contains requirements for construction sites 1+ acres in size
- Applications must be submitted 7 days prior to breaking ground
- Applications can be submitted by mail to EPA Headquarters or online at <http://www.epa.gov/npdes/enoi>



Multi Sector General Permit

- A “Region 8 MSGP” will be drafted in 2006 and will apply only to activities in Indian country in CO, MT, ND, SD, UT, and WY

Compliance Trends

- In one year, fewer than 1/3 of construction starts had permit coverage
- Of the sites that have permit coverage, there is significant non-compliance with permit requirements.





Common Violations

- No permit
- No Storm Water Pollution Prevention Plan (SWPPP)
- Incomplete SWPPP
- Problems with Best Management Practices (BMPs)
- Failure to conduct and/or document inspections
- Poor housekeeping



Enforcement Response

- Administrative Orders (AOs)
- Administrative Penalty Orders (APOs)
- Referral to Department of Justice (DOJ)

No control in place to keep
sediments on site





Improperly Installed
Silt Fence

A well-installed silt fence



Well-planned concrete washout area...



Unprotected inlet





How can we work together?

- EPA can use your help!
 - EPA & Tribes can work together to promote compliance with the storm water regulations
 - Tribal environmental personnel have a field presence that EPA cannot match
 - Identify sites that may be in non-compliance
 - Document potential violations
 - Forward to EPA for follow-up



How can we work together?

- EPA Complaint form
 - Fill out form with pertinent information about violator
 - Forward to EPA for follow-up
 - <http://www.epa.gov/region8/stormwater>

Website address for online complaints:

<http://www.epa.gov/compliance/complaints/index.html>

PRIVILEGED & CONFIDENTIAL

EPA Storm Water Complaint Form
Send to: 999 18th St. Suite 300 (8ENF-W-MP)
Denver, CO 80202-2466
Phone: 303-312-6231 Fax: 303-312-6409
Email: pallman.melanie@epa.gov

Alleged Responsible Party Information

Address/Directions: _____	
City: _____	County: _____
Facility/Site Name: _____	
Name(s) of Onsite Representative or Contact(s): _____	
Contact(s) Phone Number(s): _____	
Company Name: _____	
Name of Responsible Official: _____	
Title of Responsible Official: _____	
Responsible Official Phone Number: _____	
Mailing Address: _____	

Complainant Information

Check box if Complainant wishes to Remain Anonymous: <input type="checkbox"/> Anonymous	
Name: _____	
Complainant's Phone Number: _____	
Complainant's Address: _____	
City: _____	County: _____
Relationship to Facility/Site, if any (e.g. neighbor, employee): _____	
Complainant Follow-up Requested? <input type="checkbox"/> Yes <input type="checkbox"/> No	

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Facility/Site Observations

Date(s) Observations Made: _____
Photographs Provided (Check one)? <input type="checkbox"/> Yes (Attached) <input type="checkbox"/> No
Permitted (Check one)? <input type="checkbox"/> Yes <input type="checkbox"/> No
If yes, Permit Number: _____
Type of Activity (Check one): <input type="checkbox"/> Construction <input type="checkbox"/> Industrial
If Construction Activity, estimated area of ground disturbance: _____
If Industrial Activity, indicate type of activity and SIC Code: _____
Nearest waterbody(ies) site drains to, and approximate distance(s) to waterbody(ies): _____
Potential Permit Violations Observed: <input type="checkbox"/> Failure to implement BMPs <input type="checkbox"/> Inadequate BMPs <input type="checkbox"/> Unpermitted Discharge <input type="checkbox"/> Discharge of Pollutants from the site <input type="checkbox"/> Other (Describe): _____
Potential Pollutant Sources Observed: <input type="checkbox"/> Unstabilized Soils <input type="checkbox"/> Sediment on Impervious Area <input type="checkbox"/> Uncontrolled Washing Areas <input type="checkbox"/> Stockpiled Materials or Industrial Waste <input type="checkbox"/> Chemical or Fuel Storage <input type="checkbox"/> Other (Describe): _____
Detailed Complaint Description: _____

How can we work together?

- Document potential violations with photographs
 - Captions/Narrative
 - Where was the photo taken?
 - Date photo taken
 - Person taking photo





How can we work together?

- What to look for...
 - Sediment runoff from sites into waterways/drains
 - Dirt track-out on streets
 - Construction sites with no BMPs



How can we work together?

- EPA Enforcement Possibility
 - Supplemental Environmental Projects (SEPs)
 - Examples:
 - Sand Creek Regional Greenway
Restored nature habitat and walkway
 - Earth Force School Program
After-school and summer environmental leadership program



Storm Water Information

- Construction general permit
<http://cfpub.epa.gov/npdes/stormwater/cgp.cfm>
- Developing SWPPPs
<http://cfpub.epa.gov/npdes/stormwater/swppp.cfm>
- Frequently Asked Questions
<http://cfpub.epa.gov/npdes/faq.cfm>
 - When to get a permit
 - Who needs to get a permit



Region 8 Storm Water Contacts

For compliance and enforcement:

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303-312-6231

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For permitting:

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Davis.Gregory@epa.gov

Web site: <http://www.epa.gov/region8/stormwater>